



RESOLUTION

ESTABLISHING CITY POLICY WITH RESPECT TO HOUSEHOLD INCOME THRESHOLDS FOR AFFORDABLE HOUSING REQUIRED BY UNILATERAL AGREEMENTS.

WHEREAS, the city's existing rules governing unilateral agreements requiring affordable housing ("existing departmental rules") were adopted by the city administration in 1994 and were last amended in 1995; and

WHEREAS, in Section 2-4(a) of the existing departmental rules, the number of affordable housing units sold or rented to low and moderate income households is required to total a minimum of 30 percent of the total number of residential units planned to be constructed, with at least 10 percent sold or rented to households not exceeding 80 percent of median income; and

WHEREAS, "moderate income household" is defined in Section 1-2 therein as: "A household whose income is greater than eighty percent, but which does not exceed one hundred twenty percent of the Median Income for the Honolulu Metropolitan Statistical Area most recently determined by HUD, adjusted for household size"; and

WHEREAS, Resolution 05-154, CD1, adopted by the council on June 6, 2005, requested the department of planning and permitting ("DPP") to amend its existing departmental rules to provide that: "Future Unilateral Agreement conditions requiring the provision of affordable housing shall, unless otherwise specified in the Unilateral Agreement, be implemented by requiring that no less than 30 percent of the total number of dwelling units in the project be affordable to households with incomes not exceeding 100 percent of the median income for Honolulu, with no less than 10 percent of the total number of dwelling units being affordable to households with incomes not exceeding 80 percent of the median income"; and

WHEREAS, the existing departmental rules and Resolution 05-154, CD1, conflict with regard to the upper thresholds of 120 percent and 100 percent of median income, respectively, to which the 30 percent affordable housing requirement applies; and

WHEREAS, by Departmental Communication 650 (2009), the department of planning and permitting ("DPP") has transmitted to the council draft city affordable housing rules dated June 1, 2009 ("draft departmental rules") that propose amendments to the existing departmental rules; and

WHEREAS, in Sections 1-2 and 2-3(a), the draft departmental rules incorporate the intent of Resolution 05-154, CD1, calling for 30 percent of the total number of



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dwelling units in a project to be affordable to households with incomes not exceeding 100 percent of the median income for Honolulu; and

WHEREAS, the council finds that the 120 percent median income upper threshold to which the 30 percent affordable housing requirement applies, as currently set forth in the existing departmental rules, has proven to be effective, workable and feasible, and has resulted in the construction of thousands of housing units available and affordable to Honolulu's workforce population; and

WHEREAS, the council further finds that amending the definition of moderate income household to include only those households whose income is greater than 80 percent, but which does not exceed 100 percent of the median income, as proposed in the draft departmental rules and Resolution 05-154, CD1, may adversely impact the objective of providing affordable housing for Oahu's workforce population, many of whom earn more than 100 percent of median income; and

WHEREAS, the council further finds that increasing the moderate income threshold to include households with incomes up to 140% of the area median would enable a larger number of workforce families to qualify for the affordable units required under unilateral agreements; and

WHEREAS, the council has been informed that the Hawaii Housing Finance and Development Corporation, as well as the counties of Hawaii and Kauai, each utilize 140% of the area median income as the upper income threshold for the purpose of defining the income group targeted for the delivery of affordable housing, and that Maui county uses an upper income threshold of 160% of area median income; and

WHEREAS, the DPP has scheduled a public hearing for the draft departmental rules on August 17, 2009; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the following is hereby established as city policy with respect to household income thresholds for affordable housing required by unilateral agreements:

Unilateral Agreement conditions requiring the provision of affordable housing shall, unless otherwise specified in the Unilateral Agreement due to unique circumstances or unusual opportunities, be implemented by requiring that no less than 30 percent of the total number of dwelling units in the project be affordable to households with incomes not exceeding 140 percent of the median income for Honolulu, with no less than 20 percent of the total number of dwelling units being affordable to households with



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incomes not exceeding 120 percent of the median income, and with no less than 10 percent of the total number of dwelling units being affordable to households with incomes not exceeding 80 percent of the median income;

and

BE IT FURTHER RESOLVED that this resolution shall not be deemed to affect, alter or change any unilateral agreement affordable housing conditions or affordable housing agreements in effect on the date of its adoption; and

BE IT FURTHER RESOLVED that the request contained in Resolution 05-154, CD1, for DPP to amend the existing departmental rules relating to the household income thresholds for affordable housing required by unilateral agreements is hereby rescinded; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the mayor, the managing director, and the director of planning and permitting.

INTRODUCED BY:

Gary Okino

DATE OF INTRODUCTION:

August 6, 2009
Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 09-241, CD1

Introduced: 08/06/09 By: GARY OKINO

Committee: TRANSPORTATION
AND PLANNING

Title: RESOLUTION ESTABLISHING CITY POLICY WITH RESPECT TO HOUSEHOLD INCOME THRESHOLDS
FOR AFFORDABLE HOUSING REQUIRED BY UNILATERAL AGREEMENTS.

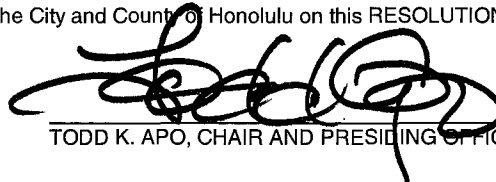
Links: [RES09-241](#)
[RES09-241, CD1](#)
[CR-270](#)

NOTE: COUNCILMEMBER DUKE BAINUM PASSED AWAY ON TUESDAY, JUNE 9, 2009. ALTHOUGH THERE IS A VACANCY, THE COUNCIL CONTINUES TO OPERATE IN ACCORDANCE WITH THE 9 MEMBERS IT IS ENTITLED TO PURSUANT TO SECTION 3-102, REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED. HOWEVER, THE CERTIFICATE WILL NOT REFLECT THE VACANCY ON THE VOTE RECORDED FOR THIS ITEM.

TRANSPORTATION AND PLANNING	08/13/09	CR-270 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM.		
COUNCIL	08/26/09	CR-270 AND RESOLUTION 09-241, CD1 ADOPTED.		
ANDERSON Y	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y
GARCIA N	OKINO Y	TAM Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


BERNICE K. N. MAU, CITY CLERK


TODD K. APO, CHAIR AND PRESIDING OFFICER